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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,110	02/28/2002	Thomas P. Szumla	83671SHS	2743

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EXAMINER
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HANNE, SARA M

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/086,110	SZUMLA, THOMAS P.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sara M Hanne	2179	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/28/02</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 5-6, 9-13 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Hui et al. US Patent 6237010.

As in Claims 5 and 12, A method and computer program product for creating a personalized electronic album, comprising opening an album construction window having a portfolio window of images (Figure 5, ref. 60, 64) and a blank album page canvas (Figure 4, ref. 59), selecting a creative art tool for adding a personal touch to selected images to make personalized artwork (Figures 12-16, ref. 43) and creatively modifying the personalized artwork with operations designed in a corresponding toolbar (Figures 12-16, ref. 100-104 and corresponding text).

As in Claims 6 and 13, Hui et al. teaches choosing electronic wallpaper (Figure 21, Ref. 171), choosing a photo and artwork design (S307, column 11, lines 10-18), choosing text (Figure 21, Ref. 172), defining a layout of the blank album page canvas (Figure 21, Ref. 170).

As in Claims 10 and 17, Hui et al. teaches a method and computer program product for making corner artwork, comprising selecting photos or artwork, selecting contents from a portfolio window of artwork and photos, dragging and dropping the selected portfolio window contents onto a blank electronic canvas to create an artistic corner (See rejection of Claim 5, *supra*), overlaying the artistic corner with the selected photos or artwork, selectively arranging a collage order within the artistic corner (Figure 24 and corresponding text).

As in Claims 9, 11, 16 and 18, Hui et al. teaches a method and computer program product for incorporating customized images into an electronic album page or wallpaper artwork, comprising opening a photo import-editing tool (Figure 4, Acquire images), performing image processing such as cropping, rotating, resizing, sharpening, tone and color transformation, shaping, and halftoning (Figures 12-15 and corresponding text), and accepting and saving the customized images in a photo portfolio window for creative use within the electronic album page (Column 13, lines 50-54).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,2, 4, 8, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hui et al. US Patent 6237010, and further in view of Hallmark® Scrapbook Studio™.

As in Claims 1, 8 and 15, Hui et al. teaches an electronic album creation system, comprising: an album construction window having an open, blank electronic canvas defining an open raster space such that the raster space receives a wide variety of graphics, text, and photos in a random fashion (Figure 4, ref. 59), a portfolio window of selected displayed images (Figure 5, ref. 60, 64), digital toolbars containing icons that represent artistic and operational functions (Figures 12-16, left panel), and personalized creative art tools that define a user's selective input for artistic composition, color, and placement in the electronic album (Figures 12-16 and corresponding text) and custom artwork is of a user-determined size (Figure 7, selection of width and height), accepting and saving the custom artwork and placing the custom artwork into an artwork portfolio window (Column 13, lines 50-60). While Hui et al. teaches an electronic album creation method with graphics, text and photos, along with personalized art tools and portfolio window, they fail to show the drag and drop selection means for placing unfinished templates within the blank electronic canvas as recited in the claims. In the same field of the invention, Hallmark® Scrapbook Studio™ teaches an electronic album creation method similar to that of Hui et al. In addition, Hallmark® Scrapbook Studio™ further teaches drag and drop selection means for placing unfinished templates within the blank electronic canvas (page 2, line 2 and page 3, line 9). It would have been obvious to one of ordinary skill in the art, having the teachings of Hui et al. and Hallmark®

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Scrapbook Studio™ before him at the time the invention was made, to modify the electronic album creation method taught by Hui et al. to include the drag and drop placement of unfinished templates of Hallmark® Scrapbook Studio™, in order to obtain a method for adding template for album creation. One would have been motivated to make such a combination because reuse of common or user-friendly layouts would have been obtained, as taught by Hallmark® Scrapbook Studio™.

As in Claim 2, Hui et al. teaches the personalized creative art tools include a custom artwork template tool (Figure 21, Ref. 170), a wallpaper creation tool (Figure 21, Ref. 171), a page corner tool (Figure 24 and corresponding text) and a photo import and edit window (Figure 6).

As in Claim 4, the digital toolbars include a delete tool ("Clear", Figure 4, Ref. 49) and a select tool ("Select All", Figure 5, Ref. 66).

As in Claim 19, means for implementing the unfinished templates to enable the user to apply techniques that are available with manual artistic album methods (Figures 24-25 and corresponding text) and means for arranging a plurality of recording elements in an array for recording an image on a receiver medium (the portfolio window is an array of the images that have been selected).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hui et al. US Patent 6237010, and Hallmark® Scrapbook Studio™ and further in view of Matsumura et al., US Patent 6727909.

As in Claim 3, Hui et al. and Hallmark® Scrapbook Studio™ teaches the portfolio window of selected displayed images includes images (Figure 5, ref. 60, 64), artwork (Column 13, lines 50-60) with the album creation system (See Claim 1 rejection *supra*). While Hui et al. and Hallmark® Scrapbook Studio™ teach album creation with templates a portfolio window of graphics and photos, they fail to show the electronic wallpaper portfolio as recited in the claims. In the same field of the invention, Matsumura et al. teaches a album creation system similar to that of Hui et al. and Hallmark® Scrapbook Studio™. In addition, Matsumura et al. further teaches a portfolio window of electronic wallpaper (Figure 3, ref. 301). It would have been obvious to one of ordinary skill in the art, having the teachings of Hui et al. and Hallmark® Scrapbook Studio™ and Matsumura et al. before him at the time the invention was made, to modify the portfolio window taught by Hui et al. and Hallmark® Scrapbook Studio™ to include the electronic wallpaper of Matsumura et al., in order to obtain a bank of selectable graphics, artwork and wallpaper for album creation. One would have been motivated to make such a combination because a more organized and user-friendly album layout interface would have been obtained, as taught by Matsumura et al.

6. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hui et al. US Patent 6237010.

As in Claims 7 and 14, Hui et al. teaches pasting the personalized artwork in the blank album Page Canvas with the personalized electronic album (of Claim 5 rejection *supra*) and repositioning the personalized artwork in the blank album page canvas

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(saved artwork is repositioned from the portfolio window to the album page). While Hui et al. teaches the album with creative art tools for personalizing artwork through a toolbar and pasting them into the album, they fail to show the matching resolution and color characteristics of the personalized artwork canvas with the blank album page canvas as recited in the claims. Within the field of the invention, it would be obvious to one of ordinary skill in the art to match resolution and color characteristics of the personalized artwork canvas with the blank album page canvas so that the artwork will appear to be part of the page, not placed on top of it. One would have been motivated to make such a combination because a solid page personalized to have the same coloring would have been obtained.



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### ***Conclusion***

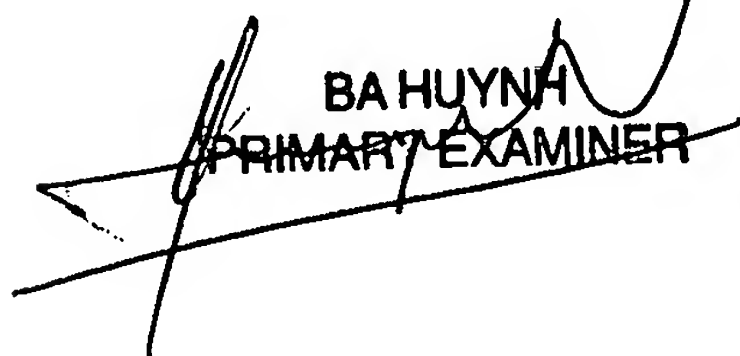
The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar album creation methods and techniques.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M Hanne whose telephone number is (703) 305-0703. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh

  
BA HUYNH  
PRIMARY EXAMINER